

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

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COLD STONE CREAMERY, INC.,
An Arizona Corporation, and
COLD STONE CREAMERY LEASING
COMPANY, INC.,
An Arizona Corporation,

Plaintiffs,

v.

C.A. No. 07-CIV-6705

BLUE ICE CREAMERY, INC,
A New York Corporation,
STARRY NIGHTS, INC,
A New York Corporation,
THE STONE AT LYNBROOK, INC,
A New York Corporation,
SPARKY'S DELIGHTS, INC,
A New York Corporation,
THE STONE AT MELVILLE, INC,
A New York Corporation,
MARC MANDELBAUM,
A Resident of the State of New York,
ROY MANDELBAUM,
A Resident of the State of New York,
ERIC LEVINE,
A Resident of the State of New York,
KAREN LEVINE,
A Resident of the State of New York, and
AMY GREENBERG,
A Resident of the State of New York,

Defendants.
-----X

NOTICE OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiffs Cold Stone Creamery, Inc., and Cold Stone Creamery Leasing Company, Inc., hereby give notice of the dismissal, with prejudice, of all claims against Defendants Blue Ice Creamery, Inc.; Starry Nights, Inc.; The Stone at Lynbrook, Inc.;

The Stone at Melville, Inc.; Marc Mandelbaum; Roy Mandelbaum; Eric Levine; and Karen Levine.

Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiffs Cold Stone Creamery, Inc., and Cold Stone Creamery Leasing Company, Inc., also give notice of the dismissal, without prejudice, of all claims against Defendant Sparky Delights, Inc.

Respectfully submitted,

/s/ Stephen J. Vaughan

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Attorneys for Plaintiffs

Cold Stone Creamery, Inc. and Cold Stone
Creamery Leasing, Inc.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on April 22, 2008, I served Plaintiffs' **NOTICE OF DISMISSAL** by first class mail in a postpaid wrapper addressed to each of the following:

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/s/ Stephen J. Vaughan